

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
CONSOLIDATED EDISON COMPANY)	DOCKET NO. 50-286
OF NEW YORK, INC.)	OL No. DPR-64
)	
(Indian Point Station)	(Determination of
Unit No. 3))	Preferred Alternative
)	Closed-Cycle Cooling
)	System)

ANSWER OF THE NEW YORK STATE ENERGY
OFFICE* UNDER 10 CFR 2.705 NOTICE OF
HEARING DATED OCTOBER 12, 1976

Section 2.705 of the rules of practice provides that a party may file an answer which must concisely state:

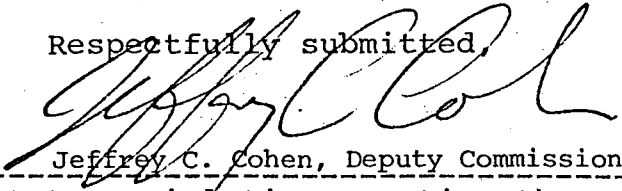
1. The nature of his defense or other position;
2. The items of the specification of issues he controverts and those he does not controvert; and
3. Whether he proposes to appear and present evidence.

The New York State Energy Office participates in this proceeding under Section 2.715(c) which section affords New York State the right to be represented on the issues to be considered by this Board and to have a reasonable opportunity to generally participate in the hearing, to interrogate witnesses, introduce evidence and otherwise advise the Commission without requiring that the State take a position with respect to the issues.

New York State does not oppose the designation of a natural draft, wet cooling tower as the preferred closed-cycle cooling system for Indian Point Unit No. 3. The State takes the position, based on the information now available, but reserves its right to modify its position in the event any new evidence or data becomes available. We intend to participate in all of the hearings and in the interrogation of witnesses. Should we decide to present any affirmative testimony we will do so in accordance with the provisions of Section 2.715(c).

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PDR ADOCK 05000286
G PDR

Respectfully submitted,



DATED: November 18, 1976

Albany, New York

Jeffrey C. Cohen, Deputy Commissioner

*Effective August 25, 1976 State Legislation creating the State Energy Office abolished the Atomic Energy Council and transferred its functions to the Energy Office (Energy Law, Section 7-101, as amended).

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(Indian Point Station) (Determination of
Unit No. 3)) Preferred Alternative
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System)

CERTIFICATE OF SERVICE

I hereby certify that copies of "ANSWER OF THE NEW YORK STATE ENERGY OFFICE UNDER 10 CFR 2.705 NOTICE OF HEARING DATED OCTOBER 12, 1976", dated November 18, 1976, in the above captioned matter, has been served on the following by deposit in the United States mail, first class, this 18th day of November, 1976.

Samuel W. Jensch, Esq., Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. R. Beecher Briggs
110 Evans Lane
Oak Ridge, Tennessee 37830

Dr. Franklin C. Daiber
College of Marine Studies
University of Delaware
Newark, Delaware 19711

Stephen H. Lewis, Esq.
Office of the Executive Legal
Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Leonard M. Trosten, Esq.
LeBoeuf, Lamb, Leiby & MacRae
1757 N. Street, N. W.
Washington, D.C. 20036

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Edward J. Sack, Esq.
Law Department
Consolidated Edison Co. of
New York
4 Irving Place
New York, New York 10003

Sarah Chasis, Esq.
Natural Resources Defense
Council
15 West 44th Street
New York, New York 10036

Hon. George V. Begany, Mayor
Village of Buchanan
Buchanan, New York 10511

Paul S. Shemin, Esq.
New York State Department
of Law
Two World Trade Center
New York, New York 10047

Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Cheryl A. Fusellio

RELATED CORRESPONDENCE

LAW OFFICES OF
LEBOEUF, LAMB, LEIBY & MACRAE
1757 N STREET, N.W.
WASHINGTON, D. C. 20036

TELEPHONE 202 457-7500

CABLE ADDRESS

LEBWIN, WASHINGTON, D. C.

TELEX: 440274

LEON A. ALLEN, JR.
JOSEPH E. BACHELDER, III
ERNEST S. BALLARD, JR.
G. S. PETER BERGEN †
DAVID P. BICKS
TAYLOR R. BRIGGS
KEITH BROWN
CHARLES N. BURGER
WILLIAM O. DOUB †
JACOB FRIEDLANDER
DONALD J. GREENE
JAMES A. GREER, II †
JOHN L. GROSE †
DOUGLAS W. HAWES
CARL D. HOBELMAN
MICHAEL IOVENKO
JAMES F. JOHNSON, 4TH
RONALD D. JONES
LEX K. LARSON †
GRANT S. LEWIS

CAMERON F. MACRAE †
CAMERON F. MACRAE, III †
GERARD A. MAHER
SHEILA H. MARSHALL
JAMES G. MCELROY
JAMES P. McGRANERY, JR. †
L. MANNING MUNTZING †
JAMES O'MALLEY, JR. †
J. MICHAEL PARISH
PAUL G. RUSSELL
HAROLD M. SEIDEL
CHARLES P. SIFTON
HALCYON G. SKINNER
JOSEPH S. STRAUSS
SAMUEL M. SUGDEN
EUGENE B. THOMAS, JR. †
LEONARD M. TROSTEN †
HARRY H. VOIGT †
H. RICHARD WACHTEL
GERARD P. WATSON

RANDALL J. LeBOEUF, JR. 1929-1975
ADRIAN C. LEIBY 1952-1976

OF COUNSEL
ARVIN E. UPTON

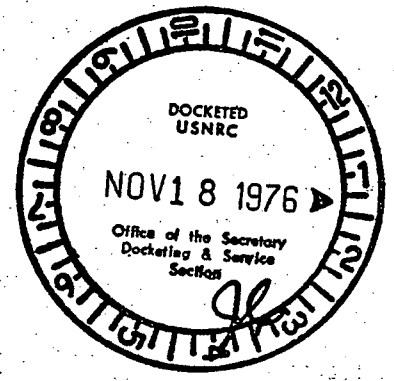
140 BROADWAY
NEW YORK, N. Y. 10005
TELEPHONE 212 269-1100

CABLE ADDRESS
LEBWIN, NEW YORK
TELEX: 423416

November 18, 1976

* RESIDENT PARTNERS WASHINGTON OFFICE
† ADMITTED TO THE DISTRICT OF COLUMBIA BAR

Director of Nuclear Reactor Regulation
Attn: Mr. George W. Knighton, Chief
Environmental Projects Branch No. 1
Division of Site Safety and
Environmental Analysis
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



Re: Indian Point Station, Units 2 and 3
Docket Nos. 50-247 and 50-286

Dear Mr. Knighton:

In accordance with Paragraph 2.E(4) of Facility Operating License No. DPR-26 and Paragraph 2.E(1)(f) of Facility Operating License No. DPR-64, we hereby submit an affidavit executed on November 15, 1976 by Mr. John R. Jannarone, a Vice President of Consolidated Edison Company of New York, Inc., and six (6) copies of the University of Rhode Island, Narragansett Marine Laboratory report entitled "Life Stages Duration Studies on Hudson River Striped Bass *Morone saxatilis* (Walbaum)" dated September 1976.

By copy hereof, two copies of the report and the original and twenty (20) copies of Mr. Jannarone's affidavit are being filed with the Secretary of the Commission.

Very truly yours,

Leboeuf, Lamb, Leiby & MacRae

Enclosures

cc: See page 2.

50-286
H-E

Mr. Knighton
November 18, 1976
Page 2

cc (w/encl): Samuel W. Jensch, Esq.
Mr. R. Beecher Briggs
Dr. Franklin C. Daiber
Dr. Richard Rush (3)
Stephen H. Lewis, Esq.
Michael Curley, Esq.
James P. Corcoran, Jr., Esq.
Sarah Chasis, Esq.
Nicholas A. Robinson, Esq.
Anthony Z. Roisman, Esq.
Carl d'Alvia, Esq.
Hon. George V. Begany
Mr. Arthur Glowka
✓ Secretary, USNRC (2)